



(Ireland.)

A

B I L L

To enable Tenants holding under the Provost and Fellows of Trinity College, Dublin, and the Trustees of Sir Erasmus Smith's Schools, and Sir Patrick Dunne's Hospital, to acquire Estates in Fee or for Terms of Nine hundred and ninety-nine Years on certain conditions, subject to Perpetual Rents, and to enable the said Provost and Fellows and Trustees to create such Estates.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WH *WHEREAS* by an Act passed in the third and fourth years of the reign of His present Majesty, intituled, "An Act to alter and amend the Laws relating to the Temporalities of the Church in Ireland," certain Commissioners were appointed for the execution of the said Act:

Preamble:

3 & 4 Gul. 4.
c. 57. Church
Temporalities
Act.

And whereas large tracts of Land and other Hereditaments are held under leases for short terms, renewable on variable Fines, under the Provost and Fellows of Trinity College, Dublin, and under the Trustees of a certain Charity called "Sir Erasmus Smith's Schools," and under the Trustees of a certain other Charity called "Sir Patrick Dunne's Hospital:"

And whereas it is expedient that the Tenants or Lessees of such Lands and Hereditaments should be enabled to acquire Estates in fee-simple or for terms of nine hundred and ninety-nine years therein, subject only to perpetual rents, variable according to the average price of corn, and to further conditional penal rents, to be payable only in case such perpetual rents shall not be punctually paid as hereinafter mentioned:

And whereas it is expedient that provision should be made for enabling the said Provost, Fellows and Trustees to create such Estates, and that the said Commissioners should be appointed Commissioners for the execution of this Act;

BE it therefore Enacted, by The KING's most Excellent MAJESTY, 5
by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT from and after the passing of this Act, the said Commissioners for the execution of the said recited Act shall be and they are hereby constituted Commissioners for the 10
execution of this Act.

1.
Commissioners of the Church Temporalities Act to be Commissioners of this Act.

2.
Tenants under Provost and Fellows or Trustees to apply for a perpetuity in Lands by Notice to the Commissioners.

And be it Enacted, That from and after the passing of this Act, it shall and may be lawful for any Tenant or Tenants, Lessee or Lessees holding, or who shall hold under or by virtue of any lease or contract for a term of years, or for a term of years and lives, or for lives, 15
or for any other term or interest immediately from and under the Provost and Fellows of Trinity College, Dublin, or the Trustees of Sir Erasmus Smith's Schools, or the Trustees of Sir Patrick Dunne's Hospital, any Lands or Hereditaments belonging to the said Provost and Fellows, or to the said Trustees of either of the said Charities, 20
to acquire Estates in fee-simple or for terms of nine hundred and ninety-nine years, at the option of such Tenants or Lessees, in such Lands or Hereditaments, in the manner and subject to the perpetual annual rents, and to the further conditional penal rents, and subject to the provisoes, restrictions, regulations and conditions hereinafter 25
mentioned; (that is to say) that it shall and may be lawful for any such Tenant or Lessee, by notice in writing under his hand, to notify to the said Commissioners and to the said Provost and Fellows or Trustees, as the case may be, under whom such Lands or Hereditaments are or shall be held, that he, such Tenant or Lessee, is ready 30
and willing to acquire an Estate in fee-simple or for a term of nine hundred and ninety-nine years, as the case may be, in the said Lands or Hereditaments, in the manner and pursuant to the provisions of this Act; and that thereupon the said Commissioners shall and may 35
and they are hereby authorized and required to ascertain the annual rents or rent now thereby reserved or customarily payable by virtue of such lease or contract out of the said Lands or Hereditaments, and the amount of the sum or sums of money theretofore paid or agreed to be paid as and for the fine or fines and fees for renewal of any such lease or interest of and in the said Lands or Hereditaments 40
in the case of leases usually renewed every or every alternate or every third year, for and during the period of Seven Years next preceding the service of such notice, and in case of leases usually renewed at longer intervals, and in the case of leases for lives for and during such period as shall include the three last previous occasions

occasions of such renewal; and such Provost and Fellows and Trustees, as the case may be, under whom the said Lands or Hereditaments shall be held as aforesaid, shall, upon being thereto required by the said Commissioners, by writing, certify to the said Commissioners by writing under the seal of the said Provost and Fellows, or under the hands and seals of the said Trustees, the amount of such annual rent, and every such fine or fines and fees so paid or agreed to be paid, or usually paid or payable as aforesaid, for and during such period as aforesaid; and that it shall and may be lawful for the said Commissioners, and they are hereby empowered if they shall so think fit, or shall be required by requisition under the seal of the said Provost and Fellows, or under the hands and seals of the said Trustees, or Tenant or Tenants, Lessee or Lessees, to issue a Commission under their seal to inquire into and ascertain the amount of such annual rent, and such renewal fine or fines and fees as aforesaid, so paid or payable, or agreed to be paid, or usually paid or payable as aforesaid, for and during the period aforesaid, which Commission shall issue in the same manner and subject to the like rules and regulations, with the like powers as is and are in and by the said recited Act provided with respect to Commissions directed to be issued for inquiring into the annual value of ecclesiastical benefices.

Provided always, and be it Enacted, That it shall and may be lawful for the said Commissioners, and they are hereby empowered and directed in each and every case in which they shall proceed to ascertain the amount of the annual rent or rents reserved and payable out of the Lands or Hereditaments in which the Tenant, Lessee or Assignee thereof shall be desirous to acquire an Estate in fee-simple or for a term of nine hundred and ninety-nine years as aforesaid, to inquire and ascertain whether any and what addition has been made to the rent or rents reserved and payable to the said Provost and Fellows and Trustees respectively, out of the said Lands or Hereditaments, since the day of ; and in case it shall appear that the said yearly rent or rents has or have been increased since such period, and that such increase has been made in consequence of the change of the liability to the payment of the Composition for Tithes, then and in every such case the said Commissioners shall separate the sum or sums which shall so appear to have been added on the aforesaid account, to the yearly rent or rents theretofore usually reserved and payable out of such Lands or Hereditaments, and shall not include such additional sum or rent in the calculation of the perpetual rent to be reserved in respect of such customary rent in any lease or conveyance of such Lands or Hereditaments to be executed pursuant to this Act, and the said Commissioners shall ascertain by reference to the lease or contract made next before the reservation of such additional sum or rent, the annual and customary rent or rents (penal rents, or

3.
Commissioners in ascertaining amount of annual rents shall not include any sum added thereto since the day of

sums in the nature of penal rents excepted), reserved and payable out of the said Lands or Hereditaments, and such annual and customary rent or rents so ascertained shall be deemed and taken to be the customary annual rent reserved and payable out of such Lands or Hereditaments, and the amount of such customary annual rent, when ascertained by any of the ways and means aforesaid, shall be the amount of the annual perpetual rent to be thereafter reserved and made payable in respect of the accustomed rent out of the said Lands or Hereditaments to the said Provost or Fellows or Trustees and their successors respectively, in and by the deed of conveyance or lease hereinafter mentioned, subject only to such approval as hereinafter mentioned, and to such variation as may be made in the amount thereof according to the price of wheat or oats in any period of Seven Years, according to the provisions hereinafter mentioned.

4.
Provision for
ascertaining
the amount of
Renewal
Fines in cer-
tain cases.

Provided always, and be it Enacted, That whenever it shall appear that such renewal fines and fees have not been regularly paid during any such period as aforesaid, it shall and may be lawful for the said Commissioners under this Act, and they are hereby empowered and directed by all or any of the ways or means aforesaid, to ascertain the amount of the annual or other renewal fine or fines and fees which have been paid, agreed to be paid, or payable, or which ought to have been paid in respect of the said Lands or Hereditaments for and during such period as aforesaid, according to the theretofore accustomed mode of renewing such lease or interest, and to take and estimate accordingly the yearly average of such annual or other fine or fines, and if it shall happen that no fine or fines have been paid or payable for renewing any such lease or interest as aforesaid, for any such period, or any part of such period preceeding the service of such notice as aforesaid, that then and in every such case it shall be lawful for the said Commissioners to take and estimate the yearly average of such renewal fines and fees according to such proportion of the improved yearly value, as may by the custom pursued by the said Provost and Fellows and Trustees respectively, under which the said Lands or Hereditaments are held, have determined the amount of fines payable in respect of Lands or Hereditaments held thereunder by like tenure and demise (such improved yearly value to be ascertained by all such ways and means as the said Commissioners shall think fit, or by the issuing of a Commission as last aforesaid, and subject to the like rules and regulations as such Commission last aforesaid), or by reference to all the circumstances of the case, and to the amount of the Tenant's beneficial interest in such Lands and Premises according to their discretion, to fix, ascertain and determine the yearly average of such renewal fines and fees.

5.
Fines to be
computed on
average
duration of
lives.

Provided, and be it further Enacted, That in the case of leases for lives the said Commissioners under this Act shall compute the yearly

yearly average of the renewal fines and fees in such manner as to them shall seem just with reference to the average duration of lives and beneficial interests.

And be it further Enacted, That when such fine or fines and fees shall have been ascertained in any of the ways or means aforesaid, it shall and may be lawful for the said Commissioners and they are hereby directed to take and estimate the yearly average of the renewal fine or fines theretofore ~~paid or agreed to be paid or payable~~ as aforesaid, which yearly average of the said fine or fines and fees, when so ascertained as aforesaid, shall be the amount of the annual perpetual rent to be reserved and made payable out of such lands or hereditaments in respect of fines and fees to the said Provost and Fellows and Trustees respectively, and their respective successors in and by the conveyance or lease hereinafter mentioned, subject only to such approval as hereinafter mentioned, and to such variation as may be made in the amount thereof according to the price of wheat or oats in any period of Seven Years, according to the provision hereinafter contained.

And be it further Enacted, That when and so soon as the said two respective perpetual annual rents so to be thereafter reserved and made payable in respect of accustomed rent and of fines and fees respectively out of the said Lands or Hereditaments to such Provost and Fellows and Trustees respectively, and their respective successors, shall have been ascertained and determined by the said Commissioners by any of the ways or means hereinbefore mentioned, the said Commissioners shall and they are hereby directed to notify, by notice in writing to the said Provost and Fellows or Trustees, as the case may be, under whom the said Lands or Hereditaments are or shall be held as aforesaid, and to the said Tenant or Lessee who shall have applied to acquire an Estate in fee-simple or for a term of nine hundred and ninety-nine years therein as aforesaid, the amount of the said two several perpetual annual rents so ascertained to be thereafter reserved as aforesaid, together with the amount of *Two Pounds* per centum on the aggregate of the said two last-mentioned rents, being the amount of the conditional penal rent to be reserved as hereinafter mentioned in the conveyance or lease of the said Lands or Hereditaments to be executed as hereinafter mentioned: Provided always, That in each and every case in which an Estate in fee-simple or for a term of nine hundred and ninety-nine years shall be sought to be acquired under the provisions of this Act before any conveyance or lease shall be executed as hereinafter mentioned, the said Commissioners shall and they are hereby required to notify in writing to the Lord Lieutenant or other Chief Governor or Governors of Ireland for the time being in council, the terms and particulars of such proposed conveyance or lease; and the annual rents to be thereafter reserved from and out

6.
Commissioners to estimate the average of renewal Fines, and to deduct the amount thereof to be the amount of the new perpetual Rent, to be reserved in respect of Fines.

7.
Notice to be given to Provost, &c., by Commissioners.

Terms of acquiring perpetuities to be subject to approval of the Lord Lieutenant.

of the said Lands or Hereditaments, together with the amount of the annual accustomed rent and the average annual fine for renewal thereof payable in respect of the said Lands or Hereditaments and ascertained as aforesaid, and no such conveyance or lease shall be executed until the said Lord Lieutenant or other Chief Governor or 5
Governors of Ireland in council shall signify his approval of the said terms.

8.

On ascertaining amount of Rents to be reserved, the Comrs. shall grant a Certificate to the Tenant, and thereupon a Conveyance or Lease to be executed.

And be it further Enacted, That whenever the amounts of the two several perpetual annual rents, and of the conditional penal rent so to be thereafter reserved and made payable for and out of the 10
said Lands and Premises to the said Provost and Fellows and Trustees respectively, and their respective successors, as the case may be, shall have been ascertained and determined on by any of the ways and means aforesaid, it shall and may be lawful for the said Commissioners, and they are hereby directed, if so required by such Tenant or Lessee, 15
Tenants or Lessees, by writing under his or their hand or hands, so to do, to grant to such Tenant or Lessee, Tenants or Lessees, a certificate under their seal, stating the amount of the said several perpetual and conditional penal rents to be reserved and made payable in and by the said deed or deeds of conveyance or leases or lease hereinafter 20
mentioned, and on the production by the said Tenant or Lessee to the said Provost and Fellows or Trustees, as the case may be, of the said notice or certificate so delivered by the said Commissioners as aforesaid, specifying the amount of such several rents to be reserved and made payable in and by the said conveyance or lease, such 25
Provost and Fellows and Trustees, as the case may be, are respectively hereby required and directed to execute, seal and deliver a deed of conveyance of the fee-simple and inheritance, or a lease for a term of nine hundred and ninety-nine years, at the option of such Tenant or Lessee of the said Lands or Hereditaments, to such 30
Tenant or Lessee when the same shall be tendered for execution, subject to the said two several perpetual rents so ascertained as aforesaid, and to a further penal rent to the amount of Two Pounds per centum per annum on the aggregate amount of such two first mentioned rents, but which penal rent shall be reserved payable 35
only when and so often as any part of either of the said two first mentioned rents shall be in arrear or unpaid on the gale day next after the gale day on which the said two first mentioned rents accrued due, and if the said Provost and Fellows or Trustees, as the case may be, shall, on the production of such notice or certificate 40
as aforesaid, refuse or neglect to execute such deed of conveyance or lease, when tendered for execution as aforesaid, for the space of Two calendar Months after such tender shall have been made as aforesaid then, upon satisfactory proof being made to the said Commissioners of such refusal or neglect by affidavit to be sworn

sworn before any Judge, Surrogate, Vicar-General, Master or Master Extraordinary in Chancery or Justice of the Peace, which affidavit or oath they are hereby respectively empowered to take or administer, or upon oath of a credible witness to be examined by the said Commissioners, it shall and may be lawful for the said Commissioners, and they are hereby empowered and required to execute, seal and deliver the said deed or deeds of conveyance or lease or leases in the name of and on behalf of the said Provost and Fellows or Trustees ~~so refusing or neglecting to execute the same as afore-~~
 said, and to affix the corporate seal of the said Commissioners to such deed or deeds or lease or leases, and to certify the cause of their so executing the same by writing at the foot of or on the back of the said deed or deeds or lease or leases, and such execution of the said deed or deeds or lease or leases by the said Commissioners shall be as valid and effectual to all intents and purposes whatsoever as if the said deed or deeds or lease or leases had been duly executed by the said Provost and Fellows or Trustees in pursuance of this Act.

Provided always, and be it further Enacted, That the recitals in any such deed of conveyance or lease shall for all purposes whatever be deemed conclusive evidence of the truth of the facts therein stated.

9.
Recitals in
Deeds of
Conveyance
conclusive.

Provided always, and be it Enacted, That the whole of the perpetual annual rent which shall in any case be reserved and accrued due under the provisions of this Act, out of any Lands or Hereditaments in respect of accustomed rent, together with a proportionate part of the said penal rent which shall accrue due and be payable and shall be received, shall be and the same is hereby required and directed to be applicable to the same uses and for the same intents, ends and purposes to and for which such accustomed rent was heretofore applicable; and that the whole of the said rent which shall in any case be reserved and accrue due under the provisions of this Act in respect of renewal fines or fees, together with a proportionate part of the said penal rent which shall accrue due and be payable and shall be received, shall be and the same are hereby required and directed to be applicable to the same uses and for the same intents, ends and purposes to and for which such fines or fees were heretofore applicable.

10.
Application of
Rents, &c.

Provided always, and be it further Enacted, That the said Commissioners shall and they are hereby directed, at the request of either party, to insert or cause to be inserted in each and every the said deed or deeds of conveyance, or leases or lease, a statement of the average price of wheat or oats (whichever of the two they shall con-

11.
The average
price of Corn,
for Ten Years
previous, to
be inserted
in the Con-
veyance.

sider as the corn principally grown in the county or district where such Lands are situate) for the period of *Ten Years* immediately preceding the *First* day of *May* next, before the service of such notice by such Tenant or Lessee as aforesaid, calculated upon the returns advertised in the Dublin Gazette during such period of *Ten Years*, which average price the said Commissioners are hereby required and empowered to calculate and ascertain from such returns as aforesaid.

12.

A counterpart to be executed and delivered to the Provost, &c.

Provided always, and be it further Enacted, That the said Tenant or Lessee so acquiring an Estate in fee-simple of or for a term of nine hundred and ninety-nine years in any Lands or Hereditaments as aforesaid, shall seal and deliver a counterpart or counterparts of such deed or deeds of conveyance or leases or lease, one part whereof shall be delivered to the said Provost and Fellows or Trustees, as the case may be, to whom respectively the said annual rents shall be so reserved and made payable as aforesaid.

13.

Deeds and Certificate to be enrolled.

And provided also, and be it further Enacted, That the said Provost and Fellows or Trustees, as the case may be, shall in every case of such conveyance or lease being executed cause such deed or deeds of conveyance or leases or lease to be enrolled in the Rolls Office of the High Court of Chancery in Ireland (for which enrolment a fee of *Two Shillings and Sixpence* only shall be demanded or paid), and the said Commissioners shall in every such case cause a certificate specifying the amount of the annual rent reserved and of the average renewal fine theretofore paid or payable on the several occasions of renewing the lease in the said Lands or Hereditaments during such period as aforesaid, to be enrolled in the Rolls Office of the High Court of Chancery in Ireland, along with and annexed to the enrolment of the said deed or deeds or lease or leases, an attested and compared copy of which certificate, when enrolled in the said Rolls Office as aforesaid, shall be and be deemed and taken to be conclusive evidence of the truth of the several matters and things therein contained as aforesaid.

14.

Tenants not entitled to perpetuity, unless in possession of fully renewed Leases, or unless all Renewal Fines are paid.

Provided always, and be it Enacted, That no Tenant or Lessee as aforesaid shall be entitled to have any such conveyance of the fee-simple or any lease for a term of nine hundred and ninety-nine years, to be made or granted to him or her of whose lease, if holding by lease for the term of *Twenty-one Years*, *Twenty Years* shall not be then to come and unexpired, or if holding by lease for the term of *Forty Years* whereof *Thirty-nine Years* shall not be then to come and unexpired, or if holding by lease for *Twenty-one Years* or *Three Lives*, or for *Three Lives*, all the lives named wherein shall not be then in being, unless he or she shall, previous to the execution of such deed of conveyance or lease, pay all and every the renewal fines

lines customably paid or payable on and for the renewal of such lease, nor shall any such Tenant or Lessee be entitled to such conveyance of the fee-simple or to such lease for a term of nine hundred and ninety-nine years, unless all rent and arrears of rent due upon
 5 and reserved by such lease shall have been fully paid and satisfied.

Arrears of
 Rent to be
 also paid up.

And be it further Enacted, That it shall and may be lawful for such Provost and Fellows or Trustees to whom, or such Tenants or Lessees so acquiring, an Estate in fee or for a term of nine hundred and ninety-nine years, his heirs, executors or administrators, or appointees or
 10 assigns by whom the rents reserved by the said deed of conveyance or lease shall be payable, to make an application in writing to the said Commissioners at any time within *Four Months* after the expiration of *Seven Years*, to be computed from the *First day of May* next preceding the execution of such deed of conveyance or lease as aforesaid, and in like manner at any time within *Four Months* after the
 15 expiration of every subsequent period of *Seven Years*, such periods to be computed each from the termination of the preceding period, during the continuance of such grant or term as aforesaid, signifying the desire of such Provost and Fellows, or Trustees, or Tenant or Lessee, his heirs, executors or administrators, or appointees or assigns, to have
 20 the average price of wheat or oats for the *Seven Years* preceding inquired of and ascertained, in order that the annual rent reserved in and made payable by such deed of conveyance or lease may be varied or increased or diminished for the ensuing *Seven Years*, in proportion to such average price, of which application due notice in
 25 writing shall be given to such Provost and Fellows or Trustees, or Tenant or Lessee, his heirs, executors or administrators, or appointees or assigns as aforesaid, as the case may require, and thereupon in each and every of such cases it shall and may be lawful for the said Commissioners to ascertain the average price of wheat or oats for the term
 30 of *Seven Years* next preceding the *First day of May* next, before such application or the service of such notice, and for that purpose to nominate and appoint a person to be arbitrator for ascertaining the same accordingly, and such arbitrator is hereby authorized and required,
 35 from the Dublin Gazette, to ascertain the price of a barrel of wheat or oats, upon the average of such term of *Seven Years* preceding, and to state and set forth such average price by his report in writing, under his hand, to be delivered to the said Commissioners; and if it shall appear that the average price of wheat (when wheat shall be taken as the measure of such rent) or that the average price of oats (when oats
 40 shall be taken as the measure of such rent) for such *Seven Years* preceding, is more or less by *One-tenth* than the average price thereof set forth in the deed or deeds of conveyance, or lease or leases, then and in such case the amount of such two several annual rents to be paid out of or in respect of the said Lands or Hereditaments to such

15.
 Applications
 may be made
 every *Seven*
Years for
 variation of
 now reserved
 Rent, according
 to increase
 or decrease in
 prices of Corn.

Provost and Fellows or Trustees, as the case may be, shall be increased or diminished by the said Commissioners in such manner and to such extent that the amount of such two several annual rents payable for and during the next ensuing Seven Years shall bear the like proportion to the respective amounts of the annual rents reserved and made payable out of the said Lands or Hereditaments in such original deed of conveyance or lease as the average price of wheat or oats, ascertained at the time of such application, shall bear to the average price thereof set forth in such original deed of conveyance or lease, and the said Commissioners under this Act shall thereupon, for the purpose of enrolment as hereinafter mentioned, execute a certificate under their seal setting forth the amount of such revised or new annual rents to be paid and payable out of the said Lands or Hereditaments to such Provost and Fellows or Trustees, as the case may be, and cause notice of or a copy of the said certificate to be given to or served upon such Provost and Fellows or Trustees and person who shall have acquired an Estate in fee-simple, or for a term of nine hundred and ninety-nine years in the said Lands or Hereditaments, or to the person or persons who shall have become possessed of his or their estate or interest therein, and shall also cause such certificate to be enrolled in the Rolls Office of the High Court of Chancery along with and annexed to the enrolment of such deed of conveyance or lease, and a copy of such enrolment duly compared and attested shall be conclusive evidence of the amount of such revised and new annual rents, and such revised and new annual rents shall be paid to and received by such Provost and Fellows or Trustees, as the case may be, for Seven Years from and after the First day of May next, before the service of such notice, and until such revised and new annual rents shall afterwards upon a like application be again varied and ascertained according to the average price of wheat or oats during the term of Seven Years then last past; and the several parties aforesaid are hereby respectively authorized to make such further application from time to time after the expiration of every Seven Years during the continuance of such grant or term in such and the like manner and form as hereinbefore directed with respect to the first application, and the costs, charges and expenses of every such application, and of varying and reascertaining the amount of such annual rent shall be defrayed by the person or persons who shall make such application as aforesaid, and any such revised and new annual rents shall, during the period when it shall be so in force, stand in the place of the said original rents reserved and made payable out of the said Lands or Hereditaments, upon such conveyance of the said Lands or Hereditaments, and shall be paid and recoverable, and charged and chargeable upon the said Lands or Hereditaments, and the party entitled to the said Estate in fee-simple or for a term of nine hundred and ninety-nine years therein, his heirs, executors or administrators or appointees or assigns, in like manner as the said original

original rents reserved in and by such deed of conveyance or lease and subject to the same regulations and the several clauses and provisions hereof, shall in every such case apply as fully and effectually to any such revised and new annual rents, to all intents and purposes as if such revised and new annual rents were the annual rents originally reserved in and by the deed or deeds of conveyance or lease or leases of the said Lands or Hereditaments : Provided always, That the said rents so reserved by such original deed of conveyance or lease shall continue to be used as the standard, by reference to which, together with the original price of wheat or oats, the rent is from time to time to be varied as aforesaid : Provided also, That in case such Provost and Fellows or Trustees, Tenant, Assignee or Owner of such Lands or Hereditaments who would respectively be entitled to receive or liable to pay such revised or new annual rents as aforesaid, shall be dissatisfied with or dispute the amount of the average price of corn so ascertained as aforesaid, or the amount of any such revised and new annual rents ascertained as aforesaid, it shall be lawful for such Provost and Fellows or Trustees, Tenant, Assignee or Owner of such Lands or Hereditaments, within One calendar Month after being served with such notice as aforesaid, to apply by petition to such Court in such manner and under and subject to such regulations and provisions as hereinafter mentioned with respect to disputes between superior and under Tenants or Lessees, and if the amounts of such revised and new annual rents shall be varied by the said Court upon such petition from the amounts thereof ascertained by the said Commissioners, then the amounts thereof so ascertained and adjudged by the said Court shall be the annual rents of the said Lands and Premises for such period as aforesaid, and subject to the provisions and regulations aforesaid, as to such revised and new annual rents and shall be inserted in such certificate to be enrolled as aforesaid, instead of the revised and new annual rents ascertained by the said Commissioners as aforesaid, and stand in the place of the same to all intents and purposes ; provided that any party or person so petitioning and failing in such petition shall pay all the costs in relation thereto.

And be it Enacted, That in all cases of applications for the acquisition of an Estate in fee or for a term of nine hundred and ninety-nine years in any Lands or Hereditaments under this Act, the applicant shall deposit or secure in such manner as the said Commissioners shall appoint, such sum of money as the said Commissioners shall think necessary to defray the expenses which the said Commissioners may incur in ascertaining the terms on which such Estate shall be acquired, and such expenses as aforesaid shall be deducted from and out of the money so deposited or secured, and the surplus, if any, refunded to such applicant.

16.
On application to acquire perpetuities, applicant to deposit a sum to defray expenses of ascertaining Terms.

And be it further Enacted, That the said two several annual rents so reserved and made payable by any such Tenant or Lessee or Grantee, out of or in respect of any such Lands or Hereditaments, together with the said conditional penal rent, when the same shall be payable in any such deed or deeds of conveyance, or lease or leases, and every such revised and new annual rents as aforesaid, shall be recovered and recoverable by such Provost and Fellows or Trustees and their respective successors, as the case may be, by all or any of the ways, means or remedies, which, according to any law or statute now in force in Ireland, or hereafter to be made, is or are or shall be provided for the recovery of any rent service upon any lease for life or for years executed by any landlord or person seised in fee-simple and subject to all the like rules and regulations by statute or otherwise, any law, usage or custom to the contrary notwithstanding: Provided always, That if in any action of ejectment to be brought on account of the non-payment of any such annual rents, pursuant to the statutes in force in Ireland as to non-payment of rent, judgment shall be had and given for the plaintiff in such action, and execution shall have been executed, and such Tenant, Lessee or Grantee who shall have so acquired an Estate in fee-simple or for a term of nine hundred and ninety-nine years, as aforesaid, of and in such Lands or Hereditaments, his assignee or assignees, or the person or persons who shall be then entitled to his estate or interest therein, shall not, within Six Months from the time of such execution executed, do ~~such act or acts or take such proceedings as are or shall be by law~~ necessary for the redemption of the said Lands or Hereditaments from the said judgment and execution, pursuant to the said statutes, then and in every such case it shall and may be lawful for any tenant, under-tenant or owner of any derivative lease, estate or interest in the said Lands or Hereditaments, his assignee or assignees, within Nine Months after such execution executed, to do such act or acts or take such proceedings for the redemption of the said Lands or Tenements from the said judgment and execution, and for obtaining relief in respect of the same, as under the said recited statutes any mortgagee of a lease might do or take for the redemption of the said lease or his estate or interest therein, from any judgment and execution in any action of ejectment for non-payment of rent, pursuant to the said statutes, and for obtaining relief in respect of the same, and with the like effect to all intents and purposes; and after such redemption the sum or sums of money so paid or advanced for or on account of such redemption and the costs thereof, shall be and be deemed a lien and charge upon such estate or interest of such Tenant or person so failing or neglecting to pay the same, or to take such proceedings for such redemption as aforesaid, and shall be payable with interest to such person who shall have so paid or advanced such sum or sums or obtained such redemption, or the same

same shall be recoverable by him (at his election) from such person so failing or neglecting as aforesaid, in and by any action of debt.

And be it further Enacted, That it shall and may be lawful for any Owner or Lessee, his heirs, executors or administrators or appointees or assigns, at any time after the *passing of this Act*, upon a division of the Lands or Premises held by him or them, either by sale or otherwise, (except by lease or demise at rack-rent), to make an application in writing to the said Provost and Fellows or Trustees, under whom he or they shall then hold the said Lands or Hereditaments, signifying the desire of such applicant, that the yearly rents then charged or to be charged on the said Lands or Hereditaments, by such deed of conveyance or lease as aforesaid, shall be divided and apportioned upon parts of the said Lands or Hereditaments only, and thereupon in each and every such case such Provost and Fellows or Trustees, as the case may be, shall and they are hereby authorized and required to divide or apportion the whole or any part of the said yearly rents as aforesaid in such manner and proportions as by such application may be required, regard being had to the security of the several parts or proportions of the said yearly rents; and in case of any disagreement in respect of such apportionment, then the same shall be made by one or more valutors, to be in all cases nominated by the said Commissioners; and the expense of such apportionment shall be in all cases defrayed by the party applying for the same; and such Provost and Fellows or Trustees, or in case of such disagreement as aforesaid, such valuator or valutors shall declare what parts and proportions of the said yearly rents respectively shall in future be severally charged upon any part or parts of the said Lands and Hereditaments, and shall state the names and denominations, the number of acres and the metes and bounds of each portion, and the amount of rent to be reserved and made payable out of each such portion respectively; and after every such apportionment the yearly rents or sums so apportioned shall be reserved and be made and be payable in such parts and proportions, and chargeable only upon such proportions of the said Lands or Hereditaments as shall be so declared to be liable to the payment thereof respectively; and in case the said apportionment shall be made before the execution of a conveyance of the fee-simple or of a lease for nine hundred and ninety-nine years pursuant to this Act, then and in every such case it shall and may be lawful for such Provost and Fellows or Trustees or Commissioners to execute separate conveyances or leases in the manner hereinbefore directed for executing conveyances and leases of each such part or proportion of the said Lands or Hereditaments, subject only to the proportionate rents payable in respect thereof; and in case a conveyance or lease shall have been made or executed by such Provost and Fellows or Trustees or the said Commissioners of the said Lands or Hereditaments,

18.
Upon application of Owner, the Provost, &c. may apportion the yearly Rent then charged on Lands, on parts of such Lands only.

ments, then and in every such case the said Provost and Fellows or Trustees or the said Commissioners shall execute under his or their respective seal a certificate setting forth the said apportionment and the amounts of the rents to be charged or chargeable upon each portion of the said Lands or Hereditaments, and shall cause the same to be enrolled in the Rolls Office of the High Court of Chancery along with and annexed to the enrolment of the deed of conveyance or lease of such Lands or Hereditaments as aforesaid; and after such enrolment of such certificate the said Lands or Hereditaments shall thenceforward stand and be charged and chargeable with the said yearly rents in such parts and proportions only and in such manner as shall be specified in such certificate, and a copy of such enrolment, duly compared and attested, shall be conclusive evidence of the amount of rents with which each respective portion of the said lands and premises stands charged and chargeable.

19.
Lands comprised in new Conveyances or Leases, to be settled to former uses.

And be it further Enacted, That immediately upon the execution of such deed of conveyance or lease as aforesaid of the said Lands or Hereditaments under the provisions of this Act, the said Lands or Hereditaments in the said deed of conveyance or lease mentioned, and the estates or interests thereby so granted or created shall thereupon respectively go to and be vested in, settled upon and enjoyed by the same person or persons for the like estate, estates or interests, and to and upon the same uses, trusts, intents and purposes respectively, or as near thereto as the nature of each case and the difference of interest will admit, as the said Lands or Hereditaments stood, settled or limited to, for or upon, or such of them as at the time of making such conveyance or lease shall be existing undetermined and capable of taking effect: Provided always, That the execution of such deed of conveyance or lease as aforesaid shall operate as and be and be deemed to be to all intents and purposes a surrender of all and every the then previously subsisting term or terms of years, estate or interest in the said Lands or Hereditaments derived from or under such Provost and Fellows or Trustees, as the case may be, and the same and every of them shall thenceforth cease, determine, and be for ever extinguished.

20.
Tenant acquiring perpetuity shall renew to inferior Tenants, when bound by tithes quodam covenant.

And be it further Enacted, That whenever any such Tenant or Lessee who shall have acquired as aforesaid an Estate in fee-simple or for a term of nine hundred and ninety-nine years in such Lands or Hereditaments previously held by him as immediate and superior Tenant under such Provost and Fellows or Trustees, shall by virtue of any lease, covenant or contract theretofore made or entered into, be bound to renew to any other person or persons any lease of any such Lands or Hereditaments either as often as such Provost and Fellows or Trustees respectively shall renew the lease of such Lands

or

or Hereditaments to him such immediate superior Tenant, or in any other manner, then and in every such case the conveyance of the fee-simple, or the creation of a term of nine hundred and ninety-nine years as aforesaid, of and in the said Lands or Hereditaments as aforesaid to such immediate and superior Tenant (or the payment from time to time of the annual rents out of the said Lands or Hereditaments to the said Provost and Fellows or Trustees respectively) shall (so long as the said estate or interest thereby granted shall continue) in all Courts of Law and Equity, and to all intents and purposes whatsoever, as to such under Tenant or inferior Tenant, or person or persons having any such derivative estate or interest, and being entitled to the benefit of such covenant or contract for renewal, and as to all other derivative estates or interests in the said Lands or Hereditaments dependent upon such covenant, contract or agreement for renewal, be and be deemed, taken and construed to be a renewal, by such Provost and Fellows or Trustees from time to time of the lease of such immediate and superior Tenant for the purposes of and within the true intent and meaning of such covenant, contract or agreement for renewal as aforesaid.

And be it further Enacted, That when the fine to be paid upon the execution of any such renewal as before mentioned shall have been by such covenant, contract or agreement for renewal, agreed to be a certain or ascertained proportion of or dependent upon the amount of the renewal fine to be paid by the immediate superior Tenant of such Lands to such Provost and Fellows or Trustees as aforesaid, then and in such case, upon and after the acquisition of such Estate in fee-simple or for a term of nine hundred and ninety-nine years in the said Lands or Hereditaments as aforesaid, the amount of such proportion of such renewal fine payable by such under or inferior Tenant shall be ascertained by reference to the amount of the average renewal fine payable previously to the said acquisition of the said Estate, as appearing in the certificate of the said Commissioners enrolled in the Rolls Office of the Court of Chancery as aforesaid, ascertaining the amount of the average renewal fine payable by the immediate superior Tenant of the said Lands previously to such acquisition of the said Estate in fee-simple or for a term of nine hundred and ninety-nine years therein as aforesaid, and in no other manner whatsoever.

21.
Fines payable
by inferior
Tenants, how
ascertained.

Provided always, and be it further Enacted, That such fine to be paid upon the execution of any such renewal as aforesaid shall be subject to such variation as may be made in the amount thereof according to the price of wheat or oats in any period of Seven Years according to the provisions hereinbefore contained, such variation to be applied for and ascertained in the like manner, and subject to like

22.
Fine for
Renewal to
be ascertained
according to
average price
of Wheat or
Oats.

regulations so far as the same are applicable as hereinbefore provided in respect of the variation of the new rents to be reserved under this Act.

23.
Disputes
between
superior
Tenants and
others, how
to be deter-
mined.

And be it further Enacted, That it shall and may be lawful for any such immediate superior Tenant of the said Lands under such Provost and Fellows or Trustees, as the case may be, or for any under or inferior Tenant, or other person as aforesaid having or claiming any derivative estate or interest in any of the said Lands or Hereditaments immediately or mediately from, through or under such superior Tenant, under or by, virtue of any lease or contract containing a covenant or agreement for renewal, in case any dispute or difference shall arise between them or any of them respectively, as to the variation of any fine as hereinbefore provided, according to the price of wheat or oats, to present a petition to the High Court of Chancery or Court of Exchequer in Ireland, stating the premises respectively, as the case may be, and praying the proper or necessary relief in relation to the said matter; whereupon it shall and may be lawful for such Court, without requiring proof of any notice of such petition being given to or served upon any person or persons, to make an order, referring the matter of such petition to one of the Masters of the Court of Chancery, or to the Chief Remembrancer of the Court of Exchequer, as the case may be, directing such Master or Chief Remembrancer to inquire and report concerning the said matter as such Court shall direct, and thereupon it shall and may be lawful for the said Master or Chief Remembrancer, as the case may be, to summon before him any of the said parties, or any person or persons, and to examine him or them upon oath respecting such matter so referred to him, and upon appearance of or proof of service of notice of such petition and order upon any such person or persons to be affected by such petition, to inquire and make his report concerning the said matter so referred to him, as in other cases of references to any such Master or Chief Remembrancer, under the orders of such respective Courts, to which report of such Master or Chief Remembrancer it shall be lawful for any of the said parties to the said petition, or to be affected by it, to take an exception or exceptions as in other cases of exceptions taken to any reports of such Master or Chief Remembrancer, and upon the hearing of such report, when not excepted to or upon the hearing of such exceptions to such report, when any such shall have been taken thereto, it shall and may be lawful for such Court to make such order in relation to the said matter as the said Court shall think fit, and such order of such Court shall be final and conclusive, and without any appeal therefrom; and the said Court may order the costs of any such proceedings in relation to the said petition to be paid by or to any of the said parties respectively, as the said Court shall think fit, which said order or orders shall and may be served either in the manner hereinafter provided, or in such other manner as the said Court shall think fit to direct.

And

And be it further Enacted, That if any such person or persons having or claiming any such derivative estate or interest in such Lands or Hereditaments by virtue of any lease or contract containing any such covenant or agreement for renewal, who, being so served with
 5 any such order of such Court as aforesaid, shall neglect or refuse to comply with the terms of such order for or during the period of *Three* calendar Months from the time of the service of such order as aforesaid, every such person so neglecting or refusing to comply with such order as aforesaid, his, her or their heirs, executors, administrators
 10 and assigns, and all other persons claiming under him, or claiming any benefit or interest under any such respective lease or contract containing such covenant or agreement for renewal, shall for ever thereafter be barred of and from all right, benefit and advantage in law or equity in, of and from such covenant or agreement for renewal,
 15 or to obtain any new lease of the said Lands and Hereditaments respectively; and every such person or persons, his or their heirs, executors, administrators and assigns, and all persons claiming any benefit of such respective covenant or agreement for renewal, shall be thenceforth for ever barred from all relief in any Court of law or
 20 equity in respect of any such covenant or agreement for renewal: Provided always, That any such order of any such Court as aforesaid shall and may be enforced by any of the ways or means by which any order pronounced by such Court in any suit in equity upon a Bill filed may be enforced, save only as against any person or persons
 25 who, being entitled to any such derivative estate or interest as aforesaid, shall have, by notice in writing, declined or refused to take or accept any renewal of such estate or interest.

24.
Persons
having derivative
Estates, and
failing to obey
order, shall
forfeit right
of renewal.

And be it further Enacted, That it shall and may be lawful for all bodies politic, corporate and collegiate, corporations aggregate or sole, and all guilds, fraternities and brotherhoods, whether
 30 corporate or not corporate, and all trustees for charities or other public purposes, and all joint stock companies who are or shall be possessed of any estate or interest in any such Lands or Hereditaments belonging to the said Provost and Fellows or Trustees respectively,
 35 and also for any committee or curator of any idiot or lunatic, or of any person non compos mentis, and for any guardian of any infant, or for any person authorized to act for any incapacitated person (which idiot, lunatic, non compos mentis, infant or incapacitated person shall be possessed of or entitled to any estate or interest
 40 in any of the said Lands or Hereditaments in the same manner as such persons might have done if not under any incapacity,) and also for all Trustees of any such Lands or Hereditaments on behalf of the persons for whom they shall be Trustees, and also for all persons having a limited interest in possession in any of such Lands or Hereditaments as Tenants for life, or such like limited estate, to make, do or
 556. c execute

25.
Provision for
cases of in-
capacitated per-
sons and those
under dis-
ability.

Definition of
tenants in this
Act.

execute all matters, acts and things necessary or proper for the due compliance with the provisions or executing the powers hereof in any respect as to any such Lands in the same or in like manner, as nearly as the nature of each case will admit, as fully and effectually to all intents and purposes, and subject to all the same rules and regulations as under the provisions hereof any person of full age being solely or absolutely possessed of or entitled for his own use to any lease of any such Lands, or any derivative estate or interest therein, might or could make, do or execute the same or any of them under the provisions of this Act; and that whenever in any of the provisions of this Act relating to any such Lands in describing any Tenant, Landlord or other person, a word importing the singular number or the masculine gender only be used, the same shall be understood to include and be applied to several persons as well as one person, and females as well as males, and to such bodies politic, corporate or collegiate as aforesaid, and to such corporations, aggregate or sole, guilds, fraternities or brotherhoods, corporate or not corporate, trustees for charities or other public purposes, and trustees for any person or persons as well as to individuals; and that the word "Landlord" shall extend as well to any person or persons, body corporate, politic or collegiate, or other body of persons entitled to receive any rent out of any such Lands or Hereditaments, as to persons usually or legally designated by such word; and that the word "Tenant" shall extend as well to any person or persons, body politic, corporate or collegiate, or other body of persons who shall be bound to pay any rent out of any of such ~~Lands or Hereditaments as to persons usually or legally designated by~~ such word, unless in any of the foregoing cases there be something in the subject or context repugnant to such construction.

26.

Provost, &c.
in any Lease
made after
passing of this
Act, shall
reserve former
annual Rent,
only exclud-
ing any sum
added thereto
since
day of

And be it further Enacted, That it shall and may be lawful for the said Provost and Fellows and Trustees respectively in any lease or demise of any Lands or Hereditaments to be made by them respectively after the *passing of this Act*, to separate any additional rent or sum reserved in consequence of the change in the liability to the payment of composition for tithes in any lease or demise of any such Lands or Hereditaments made by him or them since the day of from the former and customary annual rent or rents theretofore reserved and payable out of such Lands or Hereditaments, and to reserve such former and customary annual rent or rents in any new lease or demise to be made thereof by him or them after the *passing of this Act*.

27.

No Lease
made by the
Provost, &c.
after the
passing of this
Act, shall be
deemed a

And be it further Enacted, That no lease or demise of any Lands or Hereditaments to be made by the said Provost and Fellows and Trustees respectively after the *passing of this Act*, shall be deemed or taken to be a letting, setting or demise of any Lands or

or Hereditaments within the meaning of an Act passed in the second and third years of the reign of His Majesty King WILLIAM the Fourth, intituled, "An Act to amend three Acts passed respectively in the fourth, fifth, and in the seventh and eighth years of the reign of his late Majesty King GEORGE the Fourth, providing for the establishing of Composition for Tithes in Ireland, and to make such Compositions permanent so as to entitle the Lessee or Tenant thereof to hold the said Lands or Hereditaments free from the payment of Tithes or Composition for Tithes."

Lessee within the meaning of 2 & 3 W. 4. c. 115, so as to entitle Tenant to hold Lands tithe free.

10 And be it further Enacted, That whenever any notice required to be given by this Act, or whenever any service of any order or other proceeding of any Court which shall be required or be necessary for carrying into effect any of the provisions of this Act, cannot be given or delivered to, or cannot be effected upon the party or person or persons to or for whom such notice is directed or intended, or upon whom such service is to be effected, it shall be sufficient for the party or person obliged to give such notice or effect such service to leave such notice, or a copy of such order or proceeding at the last or most usual place of abode of such party or person or persons to or upon whom such notice is to be given or service effected if the same shall be within Ireland, and if the same shall not be within Ireland then to serve such notice or such copy upon the agent or receiver of the rents of such party or person or persons, and if such agent or receiver cannot be discovered, then it shall be sufficient to publish such notice or to give notice of such order or proceeding by publishing notice thereof *Three* times in the Dublin Gazette, and also to give such notice to or make such service upon any principal occupier of any of the said Lands and Premises respectively to which such notice, order or proceeding shall relate.

28. Notices under this Act, how to be served.

30 And be it further Enacted, That the said Commissioners shall have power and authority and are hereby empowered and authorized, from time to time, to administer an oath to any person or persons who shall at any time give them information, or be examined of or concerning any matter or thing relating to the execution of this Act, or any way concerning the several powers and trusts in them hereby reposed and the due execution thereof.

29. Power of Commissioners to examine on oath.

And be it further Enacted, That this Act may be altered, amended or repealed by any Act or Acts to be made in this present Session of Parliament.

30. Act may be altered.

College Lands (Ireland.)

A

B I L L

To enable Tenants holding under the Provost and Fellows of Trinity College, Dublin, and the Trustees of Sir Erasmus Smith's Schools, and Sir Patrick Dunne's Hospital, to acquire Estates in Fee or for Terms of Nine hundred and ninety-nine Years on certain conditions, subject to Perpetual Rents, and to enable the said Provost and Fellows and Trustees to create such Estates.

*(Prepared and brought in by
Mr. French and Mr. O'Connell Gore.)*

*Ordered, by The House of Commons, to be Printed,
18 August 1896.*
